

ZB# 93-23

Robin Berry

55-1-38

Prelim.

June 14, 1993.

Need copy of:

- ① Read letters
- ② Title Report & here
- ③ Fees: ① 50.00 off ② 250.00 off
- ④ Photos - 4 here.

Also 48-14 A1(B).

Motion & Sentencing photos.
Letters out 6/19/93

Public Hearing:

June 28, 1993.

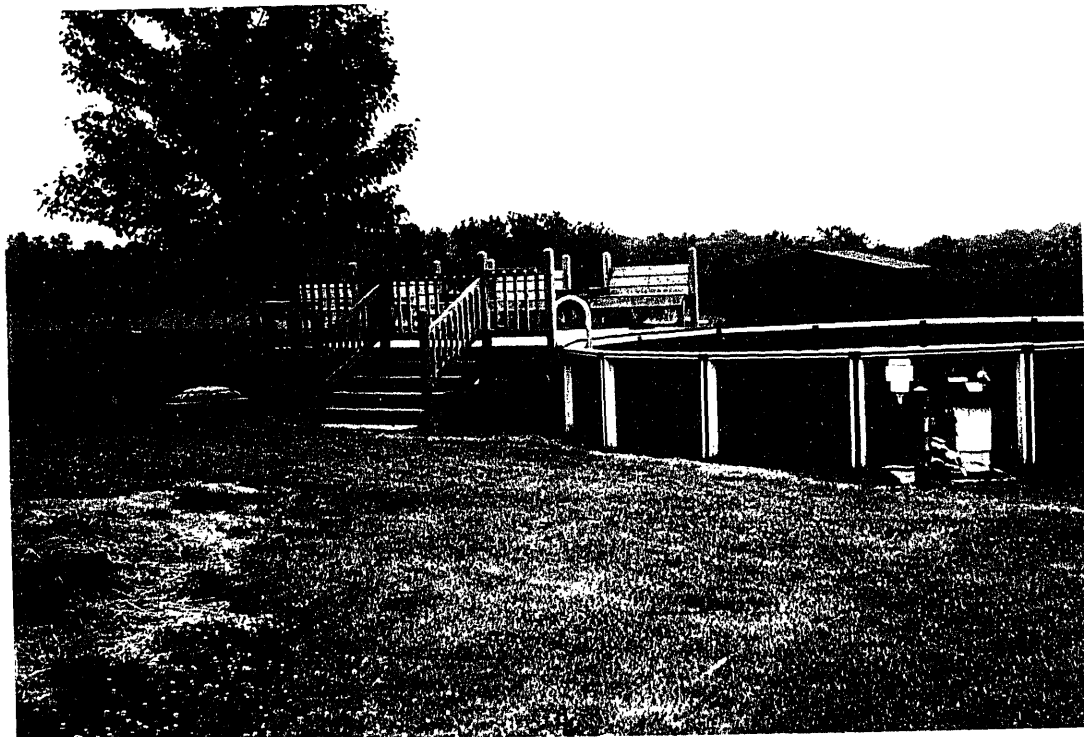
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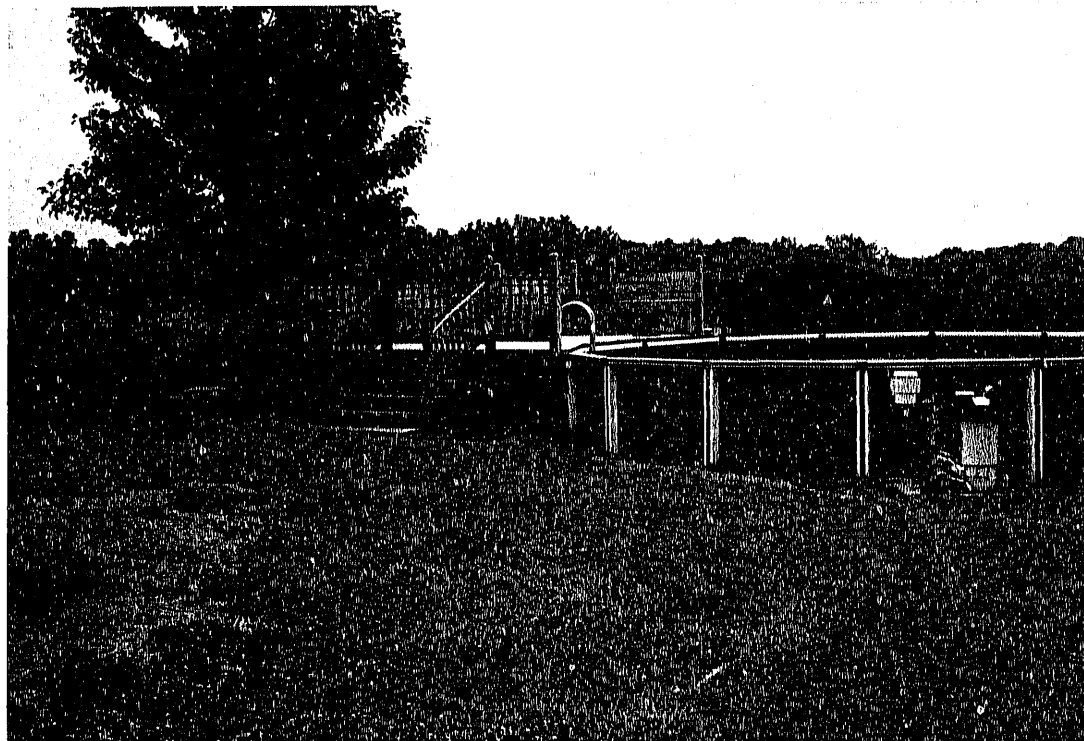
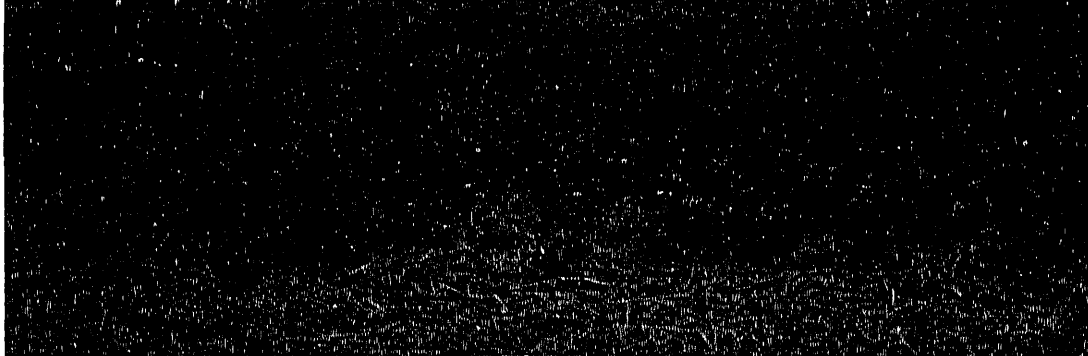
ESSELTE

Oxford®

#93-23- Berry, Robin -
Area Variances



1000



4005

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

13435

June 22 1993

Received of Robert Betty \$ 50.00

Defty and 20 DOLLARS

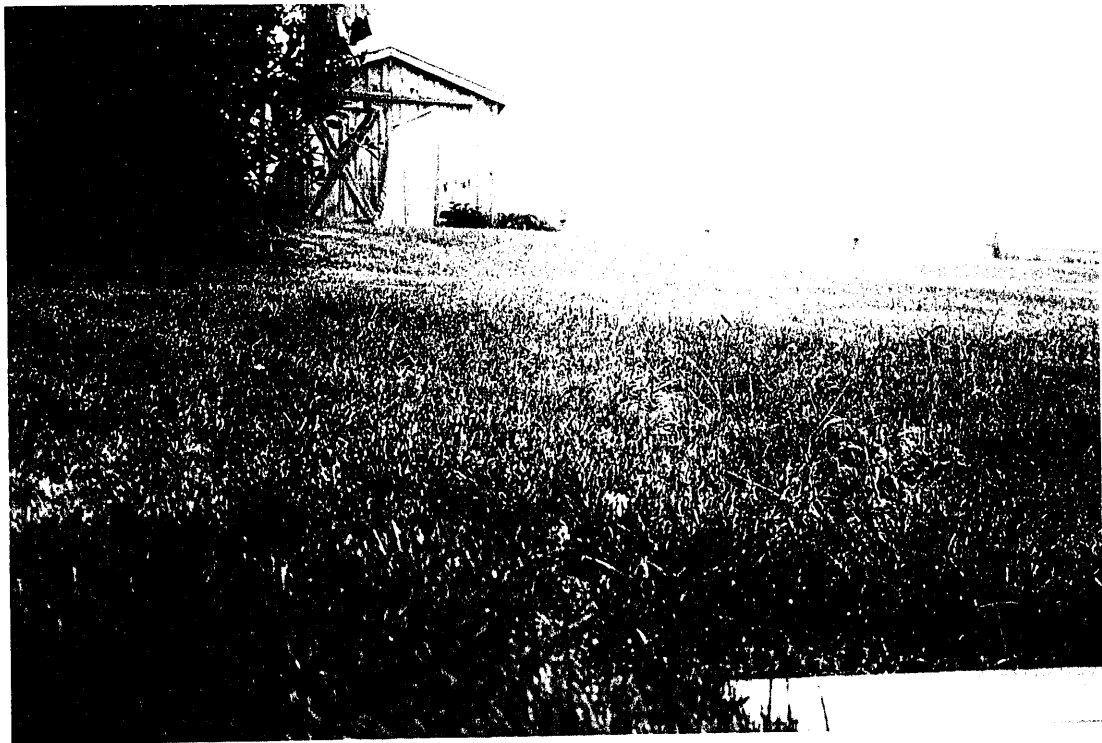
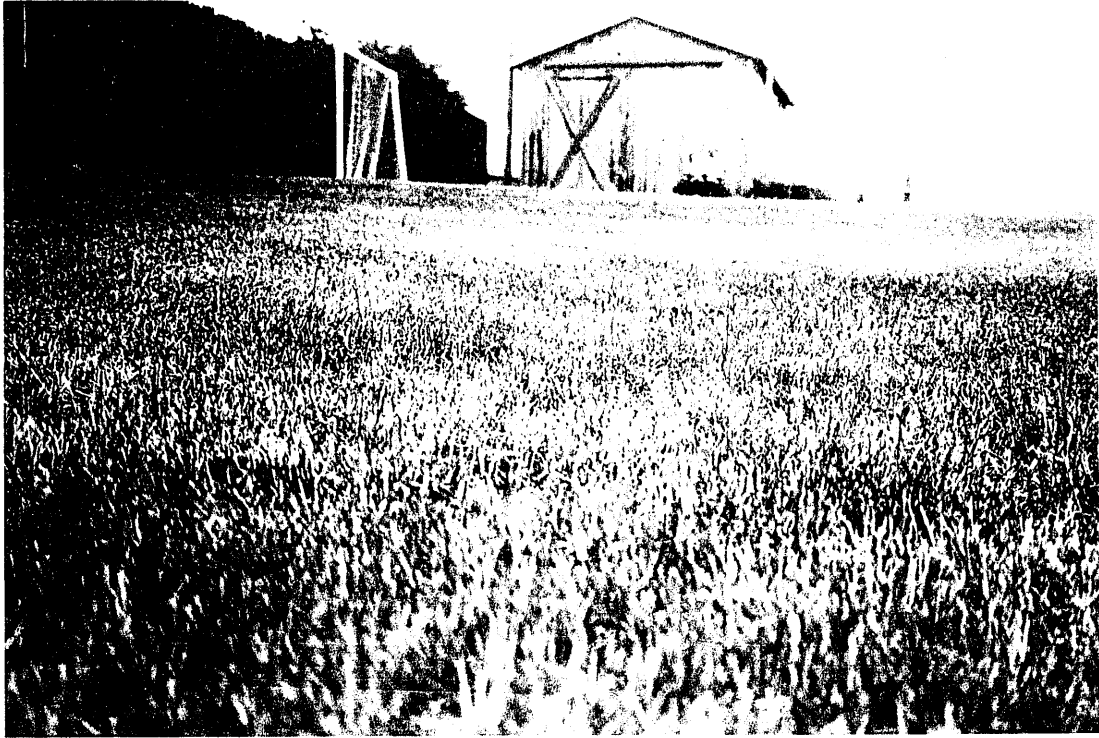
For 3BA App. Fee 45th 12593-23100

DISTRIBUTION:

BLIND	CODE	AMOUNT
CL 3040		50.00

By Pauline G. Townsend
Town Clerk
Title

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APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Berry, Robin

FILE # 93-23

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00
* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 6/14/93 - 4 pages \$ 18.00
2ND PRELIM. MEETING - PER PAGE \$
3RD PRELIM. MEETING - PER PAGE \$
PUBLIC HEARING - PER PAGE 6/28/93 - 4 pages \$ 18.00
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 28.00

ATTORNEY'S FEES:

PRELIM. MEETING- .2 HRS. \$
2ND PRELIM. HRS. \$
3RD PRELIM. HRS. \$
PUBLIC HEARING .1 HRS. \$
PUBLIC HEARING HRS. (CONT'D) \$
FORMAL DECISION 1.2 HRS. \$
TOTAL HRS. 1.5 @ \$ 150.00 PER HR. \$ 225.00
TOTAL \$ 225.00

MISC. CHARGES:

8 letters @ 290 ea. \$ 2.32
TOTAL \$ 255.32

LESS ESCROW DEPOSIT \$ 250.00
(ADDL. CHARGES DUE) \$ 5.32
REFUND TO APPLICANT DUE \$

(ZBA DISK#7-012192.FEE)

due paid

cc: Town
Clerk

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

ROBIN BERRY

DECISION GRANTING
AREA VARIANCES

#93-23.

-----X

WHEREAS, ROBIN BERRY, 132 Beattie Road, Rock Tavern, New York 12575, has made application before the Zoning Board of Appeals for a 5 ft. side yard and 9 ft. rear yard variances for existing shed, 7 ft. rear yard variance for existing wood deck and 3 ft. side yard variance for an existing above ground pool plus a variance from Section 48-14(A)(1)(b) at the residential dwelling located at the above address in an R-1 zone; and

WHEREAS, a public hearing was held on the 28th day of June, 1993 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant, ROBIN BERRY, appeared with her husband, JOHN BERRY, on behalf of themselves and both spoke in support of the application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, the applicant presented two pieces of correspondence from which the Chairman read aloud. One was from Mr. Dominick Splendorio, who stated that he did not have any objection to the variances requested by the applicant. The other was from Patricia Cullen Chippendale, who stated that her parents were the previous owners of the property in question and, to the best of her recollection, the addition to the house was constructed in 1961 (i.e., the same pre-exists the adoption of the zoning in the Town of New Windsor); and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations relating to side yard setback, rear yard and relief from Section 48-14(A)(1)(b) of the Supplementary Yard Regulations which provides that accessory buildings (which would include the applicant's shed, deck and pool) shall be set back 10 ft. from any lot line, in order to maintain the existing shed, deck and pool at her residential dwelling in the R-1 zone.

3. The evidence presented by the applicant substantiated the fact that a variance for less than the allowable side yard and rear yard pursuant to Section 48-14(A)(1)(b) would be required in order to allow the existing, shed, deck and pool to remain in their existing location, even though the said existing structures are not set back 10 ft. from any lot line, at her residential dwelling which otherwise would conform to the bulk regulations in the R-1 zone.

4. The evidence presented by the applicant indicated that applicant purchased the residential dwelling in 1983 and about 2 years thereafter, added the pool, shed and deck to the back yard without obtaining a building permit for any structure. The applicant stated that she never realized that any permits were necessary. Applicant is now in the process of refinancing her mortgage and must obtain building permits and certificates of compliance in order to satisfy the lending institution.

5. The applicant is now applying for a 5 ft. side yard and 9 ft. rear yard variance for the existing shed, 7 ft. rear yard variance for existing wood deck and 3 ft. side yard variance for an existing above ground pool. The applicant fails to meet the requirements of Section 48-14(A)(1)(b) which provides that an accessory building (which includes the applicant's shed, deck and pool) shall be set back 10 ft. from any lot line. The applicant seeks these variances in order to obtain the necessary certificate of compliance to permit the existing shed, deck and pool to remain in their present location.

6. The evidence presented by applicant substantiated the fact that the variances, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since they have existed since 1983 and are consistent with the residential character of that neighborhood.

7. There was evidence presented by applicant that, due to the sloping terrain of the applicant's property, it was more advantageous for applicant to locate the pool, shed and deck to the rear of the property rather than in close proximity with the rear of the residence. The applicant stated that the rear yard rises approximately 4 1/2 ft. behind the house to a plateau, where the said shed, deck and pool are located. The said shed, deck and pool could not feasibly be located on the sloped part of the terrain.

8. The evidence presented on behalf of th applicant also indicated that the shed, deck and pool were located close to the side and rear yards in an effort to preserve a flat, level play area for her children in the center of the rear yard. Since the lot in question is not particularly wide, the applicant indicated that if the shed, deck and pool were located in a conforming manner, at least 10 ft. from any lot line, there would effectively be no back yard at all for the children. The applicant indicated that such a conforming location for the shed, deck and pool would adversely effect the value of the property, due to the lack of a usable back yard in addition to impairing the utility of the rear yard for a secure play area for the

children.

9. The evidence presented on behalf of the applicant indicated that many of the neighboring properties are improved with sheds, decks and pools. It also appeared that the applicant has maintained these structures in their present nonconforming location for about 8 years and that such location has not generated any adverse comments at the public hearing on the requested variances.

10. It is the finding of this Board that the requested area variances, if granted, will not blight the proper and orderly development and general welfare of the community since the said shed, deck and pool have been in place for approximately 8 years and conform to the character of the neighborhood since many of the neighboring properties are also improved with sheds, decks and pools.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variances will not produce an undersirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variances are substantial in relation to the bulk regulations for rear yard and side yard pursuant to Section 48-14(A)(1)(b). However, it is the conclusion of this Board that the granting of the requested substantial area variances is warranted here because of the upward slope of the applicant's rear yard to a plateau where the shed, deck and pool are located. Given this topography and the width of the lot in question, it is the conclusion of this Board that the existing locations for the shed, deck and pool are the most suitable locations, therefore, which reasonably balance the needs of the applicant against the detriment to the nearby properties. Consequently it appears to this Board that the present location for the shed, deck and pool are the most suitable locations, therefore with the least adverse impacts on the neighborhood and the applicant.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is a self-created one due to the failure of the applicant to obtain the necessary building permits before commencing construction of the shed, deck and pool. The applicant is in the process of correcting this situation by the appropriate application to this Board which will allow her to obtain the necessary permits and certificates of compliance in order to rectify the violative conditions.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

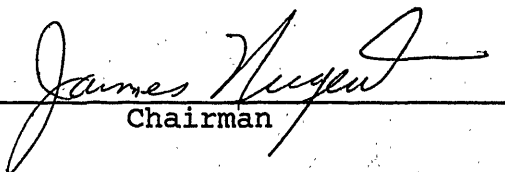
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 5 ft. side yard and 9 ft. rear yard variance for an existing shed, 7 ft. rear yard variance for an existing wood deck and a 3 ft. side yard variance for an existing above ground pool, plus a variance from Section 48-14(A)(1)(b) in order to allow the existing shed, deck and pool to be set back less than 10 ft. from any lot line, at the above location in an R-1 zone as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: September 27, 1993.


Chairman

(ZBA DISK#8-122292.GG)

Date 7/1/93, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth, 172 Moores Hill Rd. DR.

New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
28/93		Zoning Board	75 00	
		Misc - 3		
		Metromedia - 1 - 4.50.		
		KWG - 11 - 49.50.		
		Harnett - 9 - 40.50.		
		Mugnano - 13 - 58.50		
		Maroulis - 6 - 27.00.		
		Berry - 4 - 18.00.		
		<u>4888</u>	<u>216 00</u>	
			291 00	

BERRY, ROBIN

MR. TORLEY: Request for 5 ft. side yard and 9 ft. rear yard variances for an existing shed, 7 ft. rear yard variance for existing wood deck and 2 ft 6 in. side yard for an existing above ground pool plus variance from Sec. 48-12A(1)(b) at 132 Beattie Road in an R1 zone.

Mr. and Mrs. Berry appeared before the board for this proposal.

MR. LUCIA: If I can correct a typo that is actually Section 48- 14 A (1)(B).

MS. BERRY: Last time we were here I think you requested to know where the addition on the house and whether it was built so I had just, so I brought that. This is from the neighbors that live around us, the man next door wrote us a letter cause you wanted to see that.

MS. BARNHART: We'll receive and file that.

MR. TORLEY: We received a letter from Dominick Splendorio which reads as follows: Dear Sir: This letter is in response to the enclosed notice I recently received regarding a request for a variance by my neighbor, Robin Berry. Since I will be out of town on the night of the hearing, I thought I would send a written reply. Mr. and Mrs. Berry have been our next door neighbors for ten years. I have absolutely no problem with the location of their pool, deck or shed. Their property is always well maintained and there is mutual respect for each others privacy. If I could attend the granting this variance. Sincerely Dominick Splendorio. We have another letter, this one from Patricia Cullen Chippendale. I, Patricia Cullen Chippendale, am the daughter of Charles A. and Elizabeth M. Cullen who were the previous owners of the house in which John and Robin Berry now own. To the best of my knowledge, the addition on the house was done in 1961. I have also checked with my brothers, Robert, Edward and Michael Cullen and they too have confirmed this. Sincerely yours, Patricia Cullen

Chippendale.

MR. LUCIA: We're now only talking about the pool and deck?

MRS. BERRY: You said to bring something.

MR. LUCIA: Thank you for bringing it. If I could just ask one thing. I notice on the agenda it asks for two foot 6 inch side yard on the above-ground pool and it looks like the applicant's amended that to three foot.

MR. BERRY: We upped everything just to make sure.

MS. BARNHART: They changed everything through Michael's office.

MR. LUCIA: Side yard should be three feet variance request, thank you.

MR. TORLEY: Gave yourself a little safety margin.

MR. LUCIA: About when were these 3 improvements that is the shed, deck and pool constructed?

MR. BERRY: Eight years.

MR. LUCIA: Can you tell us why they were situated where they were?

MR. BERRY: The elevation on the property it goes up then she levels off up to basically from the back of our house up it's about four and a half feet incline and she levels off up top so we had it set, I put the shed, little playing area for the kids because the road out front is busy and then the pool is set up top. We just never realized we were supposed to have permits.

MR. LUCIA: If they were brought in closer to the center of the property to avoid the need for this variance, that would adversely effect the back yard as far as availability for the children?

MR. BERRY: Cut it right out, there'd be nothing.

MR. LUCIA: Do many of the properties in your neighborhood have sheds, decks and pools?

MR. BERRY: Yes.

MR. LUCIA: If this board should grant you a variance do you feel that an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties?

MR. BERRY: Not at all.

MR. LUCIA: Is there some other way you can achieve this benefit other than an area variance?

MR. BERRY: We can't, no.

MR. LUCIA: If the 3 pieces, the shed, deck and pool were moved that would adversely effect the value of the property?

MRS. BERRY: I think so.

MR. LUCIA: Is the requested area variance or area variances substantial that is in terms of numbers you're looking for?

MR. BERRY: Are the footages substantial, not really, some of them like are very close.

MR. LUCIA: You are five foot against a ten feet standard is numerically pretty substantial.

MR. BERRY: Well, on the pool we're okay this way and we only have I think seven feet instead of ten feet so we're like three feet. The only one that we're tight on is the shed which is I think a foot and a half off the back boundary.

MR. LUCIA: I guess we're assuming it's a foot because you're looking for 9 foot so that would be substantial but you feel that it would just wipe out the back yard if it were brought in?

MR. BERRY: There'd be nothing left, that's my problem.

MR. LUCIA: And will the proposed variance have an adverse effect or impact on physical or environmental conditions of the neighborhood or district?

MR. BERRY: No, the neighbors all took a look at it.

MR. LUCIA: And was this difficulty self-created?

MRS. BERRY: Sure.

MR. LUCIA: You're now doing what you can to remedy this?

MRS. BERRY: Yes.

MR. LUCIA: Thank you for providing copy of your deed and title policy that refers to certain covenants and restriction and easements effecting title. Is there anything in the title to the property to your knowledge which would prohibit you from maintaining the structures?

MRS. BERRY: Not that we know of.

MR. LUCIA: Thank you.

MR. TORLEY: Anyone in the audience wishes to speak on this matter? Hearing none, I'll close the public hearing, open it back up to the members of the board. Any further questions gentlemen? I'll entertain a motion.

MR. LANGANKE: I make a motion we grant the variances as requested.

MR. HOGAN: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. HOGAN	AYE
MR. TANNER	AYE
MR. LANGANKE	AYE

Date 6/30/93, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 172 mores Hill Rd DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
6/4/93	New Windsor Zoning Board		75 00	
	Misc. 1			
	Jones - 11			
	Toyota - 10			
	Greene - 9			
	Berry - 4 18.00.			
	Leidy - 4			
	La Casa D'oro, Inc - 7			
	DeDominicus - 2		216 00	
	45pp			
			291 80	
			- 46 00	per 5/24
			245 00	

June 14, 1993

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BERRY, ROBIN

MR. NUGENT: Request for four ft. side yard and eight ft. rear yard variances for an existing shed, six ft. rear yard variance for existing wood deck and 1 ft. 6 inch side yard for an existing above ground pool located at 132 Beattie Road in an R-1 zone.

Mr. and Mrs. Berry appeared before the board for this proposal.

MRS. BERRY: We're refinancing. In '86, we refinanced and we didn't have a problem. It was all there. This time we refinanced and the lady came and had a heart attack and said where did all this stuff come from? I don't know if you guys want to look at this.

MR. NUGENT: Is this shed unmovable?

MRS. BERRY: It is.

MR. BERRY: Well, I have it on ties, if we wanted to pull it with the tractor, we could, it's, see the way the property goes, the property comes off the house then inclines up and then it hits a plateau up top so I drew the hill on it to show how it elevates up and then you hit a level area up top.

MR. LANGANKE: How high is the elevation?

MR. BERRY: I would say from the ground floor of the house up would be about 3 1/2 feet, it gradually goes off and it levels off and the kids play on top.

MR. TORLEY: You can't see this from the road, you can maybe see the pool is here.

MRS. BERRY: We're in the process of getting an electrical inspection also, it's all up to code, just that it was never inspected.

MR. LUCIA: Do you know the age of the house.

MRS. BERRY: I believe it was about '55, around that area give or take. And then there was an addition put

on in maybe six or seven years after they moved in it was actually.

MR. LUCIA: The reason I raise this there are no offsets shown to show that your side lines are clear. Do we have a date on the addition?

MRS. BERRY: I would say not many years after they moved in he put that in.

MR. TANNER: How long have you lived there?

MRS. BERRY: Ten years.

MR. LUCIA: So on the addition we're talking '61 to '63 in that timeframe?

MRS. BERRY: Can't even ask because they've passed away. We can ask next door.

MR. LUCIA: If the dates are correct, you have no problem.

MR. TANNER: It has to be around that time

MR. BERRY: The only thing I noticed the measurements I gave I'd like to add a foot to all the variances just to play it safe.

MR. LUCIA: Just confirm that with Mike because we have to act on his denial, what you're doing is appealing his denial to us so we need his numbers.

MR. BERRY: I'll go home tonight and make sure.

MR. NUGENT: He wants to add a foot to every measurement he gave you.

MR. LUCIA: Just to make sure he's clear. Just doublecheck it and be confident.

MR. BABCOCK: Changing 4 foot to five foot, eight foot to 9 foot, 6 foot to 7 foot, one foot 6 to two foot 6 and that is it.

MR. LUCIA: You may want to check it if there's any problem with being close, give Mike a call. Similar to the previous applicant, we understand what you're basic application involves a number of sections in the ordinance, under Section 4814 A1 B provides accessory building which in this case includes your shed, deck and your pool shall be set back ten feet from the lot lines so we're looking for a variance from that section also. Also how high is the fence around the pool?

MR. BERRY: Fence around what pool?

MR. LUCIA: You don't have a fence there?

MRS. BERRY: It's above ground.

MR. TORLEY: Four foot high pool that meets the requirements for the fence.

MR. LUCIA: No problem there.

MR. TANNER: Did someone ask a question about moving the shed?

MR. NUGENT: I did but I didn't realize that the property sloped, in other words, if you move it, it's going to be on the hill.

MR. TANNER: I didn't hear the answer.

MR. TANNER: It isn't practical.

MR. BERRY: Not really, I'd have to build up the property.

MR. HOGAN: The property slopes from the rear.

MR. BERRY: From the rear I would say from where I am standing on the deck, it's about a three foot elevation, 3 1/2 feet elevation going back up and then up to where it levels off that is where the kids play up top up by the pool.

MR. NUGENT: I'll accept a motion.

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MR. LANGANKE: I make a motion that we set them up for a public hearing.

MR. HOGAN: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. NUGENT	AYE
MR. TANNER	AYE
MR. HOGAN	AYE
MR. LANGANKE	AYE

MR. HOGAN: Can you bring some photos to the public hearing showing the back of the slope?

MR. LUCIA: Show us all 3 structures, if you would. Also we need copy of your deed and copy of your title policy. Also give you copy of Section 267B of the Town Law, just put a little arrow in the margin there that lists five factors you need to speak to when you come back to your public hearing, if you would please address each of those five factors, that is what this board has to base its decision on applying for your area variance. Return the application, one check for \$50 and one for \$250 fee.

PUBLIC HEARING:

LEIDY, THOMAS

MR. NUGENT: Request for 10 ft. rear yard variance for existing shed located at 200 MacArthur Avenue in a PI zone.

Mr. Thomas Leidy appeared before the board for this proposal.

MR. LUCIA: I notice that subsequent to our preliminary, we have a new sketch of the property and now you're showing offsets of the house and garage and everything to the property lines we didn't have that initially.

MR. LEIDY: What I am doing I'm in the midst of selling the house so I am trying to keep everything up to par there and the last time the house was surveyed was when they originally bought it back in '52. I got all my C.O.s and paperwork.

MR. LUCIA: The house and garage goes back to be at least 1952.

MR. LEIDY: Yes.

MR. LUCIA: Because some of the clearances were close so you're okay. Also thank you for giving me a copy of the deed. I gather you don't have title policy or you didn't have one available? Deed refers to certain covenants and restrictions of record as your property is subject to. Is there anything in those covenants, restrictions, easements, anything affecting title to this property which would prohibit you from maintaining the structure you're now seeking a variance?

MR. LEIDY: No.

MR. LUCIA: Thank you.

MR. NUGENT: What factory is that, what building is

this?

MR. LEIDY: Machine shop back there, used to be Automotive Brake years ago.

MR. NUGENT: While we're waiting to look at the pictures, we have a letter from Arthur Miller, basically what it is says we have no objections.

MR. LUCIA: That was actually returning the legal notice.

MR. NUGENT: Yes but they wrote on the bottom.

MR. TORLEY: Looks like that shed and the fence are a real asset to the property.

MR. LEIDY: It's been there a while, the trees have blended.

MR. HOGAN: The picture from the pool is from your neighbor's side?

MR. LEIDY: Yes.

MR. LUCIA: And the fencing conceals the shed from the neighbors view?

MR. LEIDY: He can see the roof top of it.

MR. LUCIA: Is that your fencing or anybody's?

MR. LEIDY: That is my fencing, yes.

MR. NUGENT: For the record, we have to note that there's no one in the audience for the public hearing and at this time, I'll close the public hearing and open it back up to the board and I'll entertain a motion.

MR. LUCIA: Just let me address a couple questions to Mr. Leidy. Do you feel that an undesirealbe change will be produced in the character of the neighborhood or detriment will be created to nearby properties if this area variance is granted?

MR. LEIDY: No, it's looks nice, there's nothing wrong with that.

MR. LUCIA: Is the benefit which you seek here achieveable by some other method feasible for you to pursue other than an area variance?

MR. LEIDY: No, that is why I went for it, it's a little too heavy to move and the property is only 50 feet across to put it in the middle of my yard wouldn't look too good.

MR. LUCIA: Is the requested area variance substantial that is in terms of numbers? You're looking, it's flush up against the property line, you're looking for the whole ten feet on both rear yard and side yard so I guess you'd have to say it is substantial in relation to the variance but in relation to the ordinance but you say there's just no other place to put it given the width of the property?

MR. LEIDY: You only have 50 feet across and move it over you don't have much of a yard, no, you move around this shed, you know, it would be not much of a yard then.

MR. LUCIA: Would the proposed variance have an adverse effect or impact on the physical or environmental conditions of the neighborhood or zoning district?

MR. LEIDY: I don't believe so.

MR. LUCIA: And was this difficulty self-created, you put up the shed yourself?

MR. LEIDY: Yes.

MR. LUCIA: But you're now doing what you can to rectify the situation?

MR. LEIDY: Yes.

MR. LUCIA: Thank you.

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MR. TANNER: Make a motion we grant the variance for ten foot rear yard variance.

MR. TORLEY: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. NUGENT	AYE
MR. TANNER	AYE
MR. HOGAN	AYE
MR. LANGANKE	AYE

MR. BABCOCK: Just one correction to Mr. Tanner, it's a ten foot rear yard and a ten foot side yard.

MR. TANNER: On here it only says rear.

MR. BABCOCK: We modified the denial last time.

MR. TANNER: Amend my motion to include rear and side yard.

MR. TORLEY: I'll second the amendment.

ROLL CALL

MR. TORLEY	AYE
MR. NUGENT	AYE
MR. TANNER	AYE
MR. HOGAN	AYE
MR. LANGANKE	AYE

June 14, 1993

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LA CASA D'ORO, INC.

MR. NUGENT: Request for 84 s. f. free standing sign at Heritage Square located on Rt. 32 in an NC zone.

Patrick Kennedy, L.S. appeared before the board for this proposal.

MR. LUCIA: It came in under that time under Anthony Clemenza, which is why you don't recognize it.

MR. BABCOCK: New ordinance is going to allow 64 square foot sign.

MR. LANGANKE: Are we making a new ordinance big enough so that we're going to cut down on the number of variance requests?

MR. TORLEY: When does this new ordinance go into effect?

MR. BABCOCK: They are having a public hearing 14th of July.

MR. LANGANKE: Are we making the ordinance or the sign allowance big enough so we don't have all these people coming in?

MR. NUGENT: We don't have anything to say about it.

MR. TANNER: The idea was to have it increased but if you pick too large a number, then you can end up with some situations you really didn't want. The idea was to try and get a compromise.

MR. KENNEDY: What you have here is you have an expansion of an existing building, the building was under several different restaurant names over the years and the building is set back quite a ways. The building going south on 32 sits much closer to the road and really blocks the visibility of this piece of property. People have, tenants are complaining people don't, if you look at the one picture I showed from like out in front of the convenient store, you can't even see the building coming up 32 from there and

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

93-23

Date: 06/15/93

I. Applicant Information:

- (a) BERRY, ROBIN, 132 Beattie Road, Rock Tavern, N.Y. 12575 x
(Name, address and phone of Applicant) (Owner)
- (b) -
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) -
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) R-1 132 Beattie Road, Rock Tavern, N.Y. 55-1-38 100x150 +
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 03/18/93
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? -
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a
- _____
- _____
- _____
- _____

IV. Use Variance. n/a

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F,G.
Section 48-14A(1) (b) -Supplementary Yard Regs.

<u>Requirements</u>		<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Shed: Reqd. Side Yd.	10 ft.	5 ft.	5 ft.
Pool:	10 ft.	7 ft.	3 ft.
Deck: Reqd. Rear Yd.	10 ft.	3 ft.	7 ft.
Shed: Reqd. Street Frontage*	10 ft.	1 ft.	9 ft.
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*	%	%	%
Floor Area Ratio**			
Parking Area			

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(See attached information)

The residence in question was constructed in the 1950's. There is a survey on file which lists Charles A. and Elizabeth P. Cullen as owners of record on July 14, 1983 and a further survey certified to John O. Berry and Robin Berry. The applicant Robin Berry acquired the residence by deed dated March 18, 1993 and is presently in the process of refinancing.

The Building Inspector's Office issued a notice of denial of a building permit application due to insufficient rear yard and side yard on an existing shed, deck and pool. Also, it is the feeling of the Board that a variance should be sought from Section 48-14A(1)(b) of the Supplementary yard regulations which states that, "such building shall be set back ten (10) feet from any lot line." Applicant was referred to the Zoning Board of Appeals in order to obtain building permits and certificates of compliance for the three structures.

Since these requests are in the nature of area variances, the Applicant presents five specific points to explore:

1. The Applicant believes that if these variances are granted they will not produce an undesirable change in the character of the neighborhood or detriment to nearby properties. Since the zoning in the area is R-1 (residential), the area will remain as such with the improvements thereon.

2. There is no other method that the Applicant can feasibly pursue other than the area variances sought. With the exception of the shed, the structures cannot be moved without considerable expense to the Applicant.

3. The Applicant submits that the extent of the variances sought are substantial but she is taking all the various and necessary steps through the variances sought in order to remedy the situation so that the property will be free from any code violation.

4. Applicant feels that the proposed variances sought will not have an adverse effect or impact on either the physical or environmental conditions in the neighborhood. The variances refer to residential improvements constructed by the Applicant on a location which does not meet the code, but their location on the property and in the neighborhood itself supports the conclusion that they do not create an adverse effect or impact.

5. The Applicant's difficulties are clearly self-created since the structures were put in place without the benefit of building permits. The Applicant at the time of construction of the improvements was unaware of the violations until Applicant attempted to refinance.

In view of all of the facts and circumstances presented to this Board, Applicant respectfully requests that the area variances sought be granted.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law,
Section _____, Table of _____ Regs.,
Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The quality of the neighborhood has been enhanced and upgraded with the structures which were added to the parcel in question by the Applicant.

IX. Attachments required:

- x Copy of referral from Bldg./Zoning Insp. or Planning Bd.
 x Copy of tax map showing adjacent properties.

n/a Copy of contract of sale, lease or franchise agreement.
 Copy of deed and title policy.
x Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
n/a Copy(ies) of sign(s) with dimensions and location.
 Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$250.00, each payable to the TOWN OF NEW WINDSOR.
 Photographs of existing premises from several angles.

X. Affidavit.

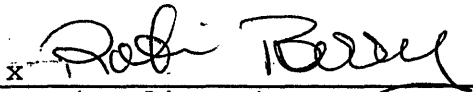
Date: June 17, 1993

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.


 (Applicant)
 ROBIN BERRY

Sworn to before me this

18th day of June, 1993.


 XI. ZBA Action:

PATRICIA A. BARNHART
 Notary Public, State of New York
 No. 01BA4904434
 Qualified in Orange County
 Commission Expires August 31, 1993.

(a) Public Hearing date: _____.

(b) Variance: Granted (☐) Denied (☐)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Lawyers Title Insurance Corporation

A Stock Company
Home Office - Richmond, Virginia

391745/59053

MORTGAGEE POLICY SCHEDULE A

AMOUNT

\$ 45,000.00.....

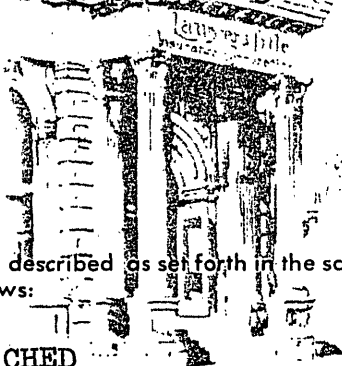
EFFECTIVE DATE

July 29, 1983..

NAME OF INSURED

EMPIRE OF AMERICA FSA

1. The fee simple title to said land is at the date hereof vested in John D. Berry and Robin Berry, his wife.
2. The mortgage or deed of trust and assignments, if any, covered by this Policy are described as follows: Mortgage for \$45,000.00 made by John D. Berry and Robin Berry, his wife, with the Insured herein dated July 29, 1983 and duly recorded in the Orange County Clerk's Office on August 1, 1983 in Liber 1875 of mortgages at page 1103.



3. The land referred to in this Policy is described as set forth in the said mortgage or trust deed above mentioned and is identified as follows:

SEE DESCRIPTION ATTACHED

391745

Countersigned:

Donald W. Russo
AUTHORIZED OFFICER OR AGENT

Issued at Goshen, New York
83 BC 354283

Page 1 of Sched. A—Pol. No. H 976444

DESCRIPTION

ALL that certain lot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point in the middle of Beatty Road, the said point of beginning is at the most northerly corner of a lot conveyed to Charles Cullen by Charles J. Mulligan by deed recorded in Orange County Clerk's Office in Book 1311 at page 446; running thence (1) South $44^{\circ} 09'$ East 22.87 feet along the southwesterly line of land conveyed to John F. and Mary Lucas by Charles J. Mulligan to an iron pipe set on the southeasterly side of Beatty Road, thence (2) South $44^{\circ} 09'$ East 99.74 feet along the southwesterly line of the Lucas lot to the most easterly corner of the said Cullen lot, thence over and through land of Charles J. Mulligan the following three courses, namely; (3) South $44^{\circ} 09'$ East 50.0 feet to an iron pipe driven into the ground, (4) South $44^{\circ} 10'$ west 100.0 feet to an iron pipe driven into the ground, (5) North $44^{\circ} 09'$ West 50.0 feet to the most southerly corner of the said Cullen lot, thence (6) North $44^{\circ} 09'$ West 122.61 feet along the southwesterly line of the said Cullen lot to a point in the middle of Beatty Road, thence (7) North $44^{\circ} 10'$ East 100.00 feet along the middle of Beatty Road to the point of beginning.

Subject to the right of the public to use the part of the 0.396 acres which lies within the bounds of Beatty Road for highway purposes.

391745

Attached to and made a part of Policy No. H 976444

3. The Company hereby insures against loss or damage by reason of:

- (1) The invalidity or unenforceability of the lien of the insured mortgage resulting from the provisions therein which provide for the changes in the rate of interest.
- (2) Loss of priority of the lien of the insured mortgage as security for the unpaid principal balance of the loan, together with interest as changed in accordance with the provisions of the insured mortgage, which loss of priority is caused by said changes in the rate of interest.

"Changes in the rate of interest", as used in this endorsement, shall mean only those changes in the rate of interest calculated pursuant to the formula provided in the insured mortgage at Date of Policy.

This endorsement does not insure against loss or damage by reason of the failure of the insured to comply with: (a) Regulations of the Federal Home Loan Bank Board concerning Adjustable Mortgage Loan Instruments (12 C.F.R. Section 545.6-4a); (b) Section 6-f of the New York Banking Law and Regulations issued by the Banking Board pursuant thereto concerning Alternative Mortgage Instruments; or (c) Regulations of the Comptroller of the Currency concerning Adjustable Rate Mortgages (12 C.F.R. Part 29), and amendments to any of the foregoing.

This endorsement does not insure against loss or damage based upon (a) usury, (b) any consumer credit protection or truth in lending law, or (c) the insured mortgage containing provisions for negative amortization or interest on interest.

The endorsement is made a part of the policy and is subject to all of the terms and provisions thereof and of any prior endorsements thereto, except that the insurance afforded by this endorsement is not subject to the provisions of the policy excluding or excepting from coverage effects and incumbrances arising or becoming a lien after the date of this policy (excepting any statutory lien for labor or material insured against this policy). Except to the extent expressly stated, it either modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements; nor does it increase the face amount hereof.

LATYERS TITLE INSURANCE CORPORATION

NYBTU Variable Rate Mortgage Endorsement
revised 1981) to be used with NYBTU
Policy No. 100 D or 100 E or
ATA 1946

391745

Lawyers Title Insurance Corporation

A Stock Company
Home Office ~ Richmond, Virginia
MORTGAGEE POLICY

SCHEDULE B

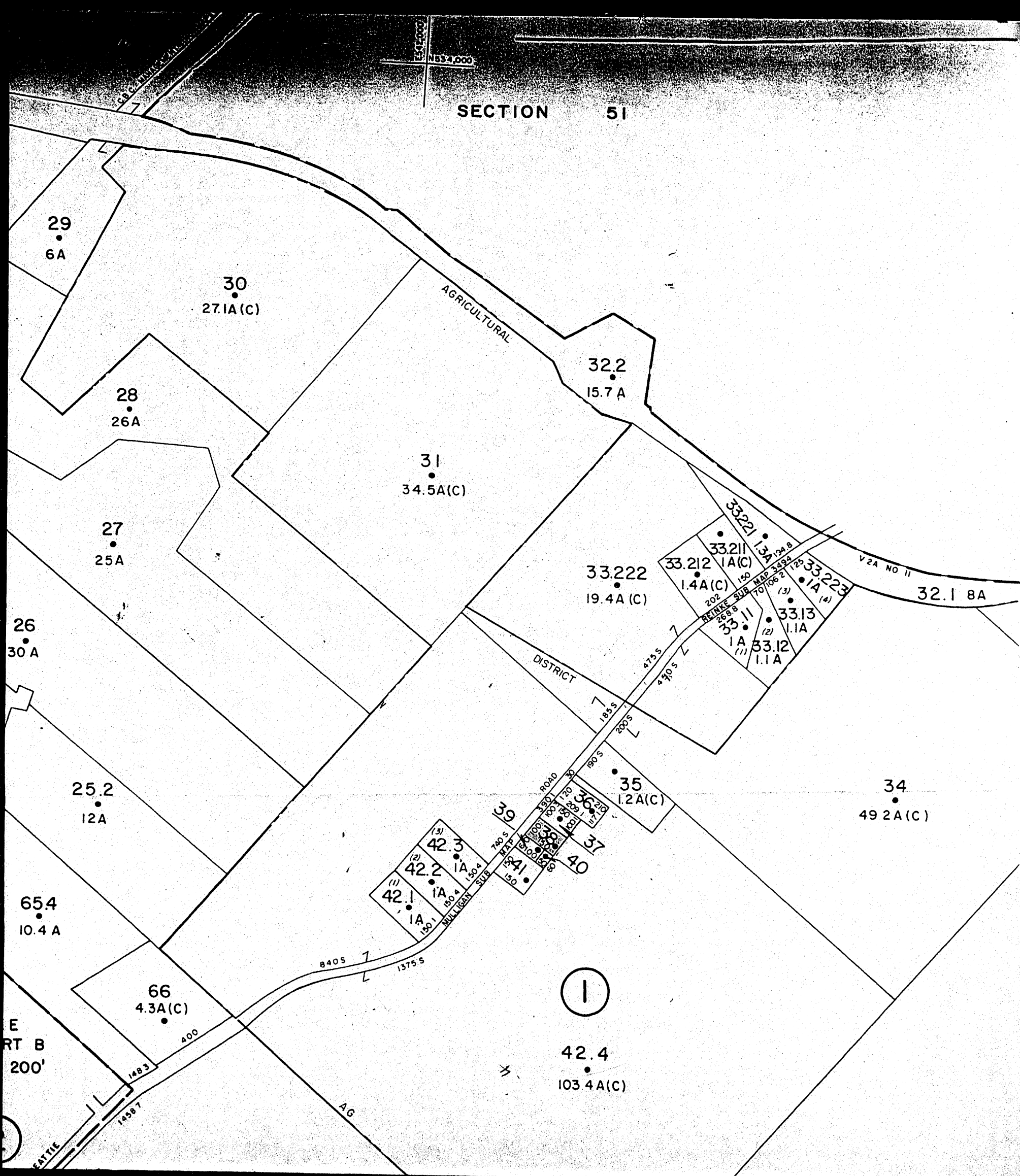
Showing defects, liens, encumbrances and other matters against which the Company does not, by this Policy, insure.

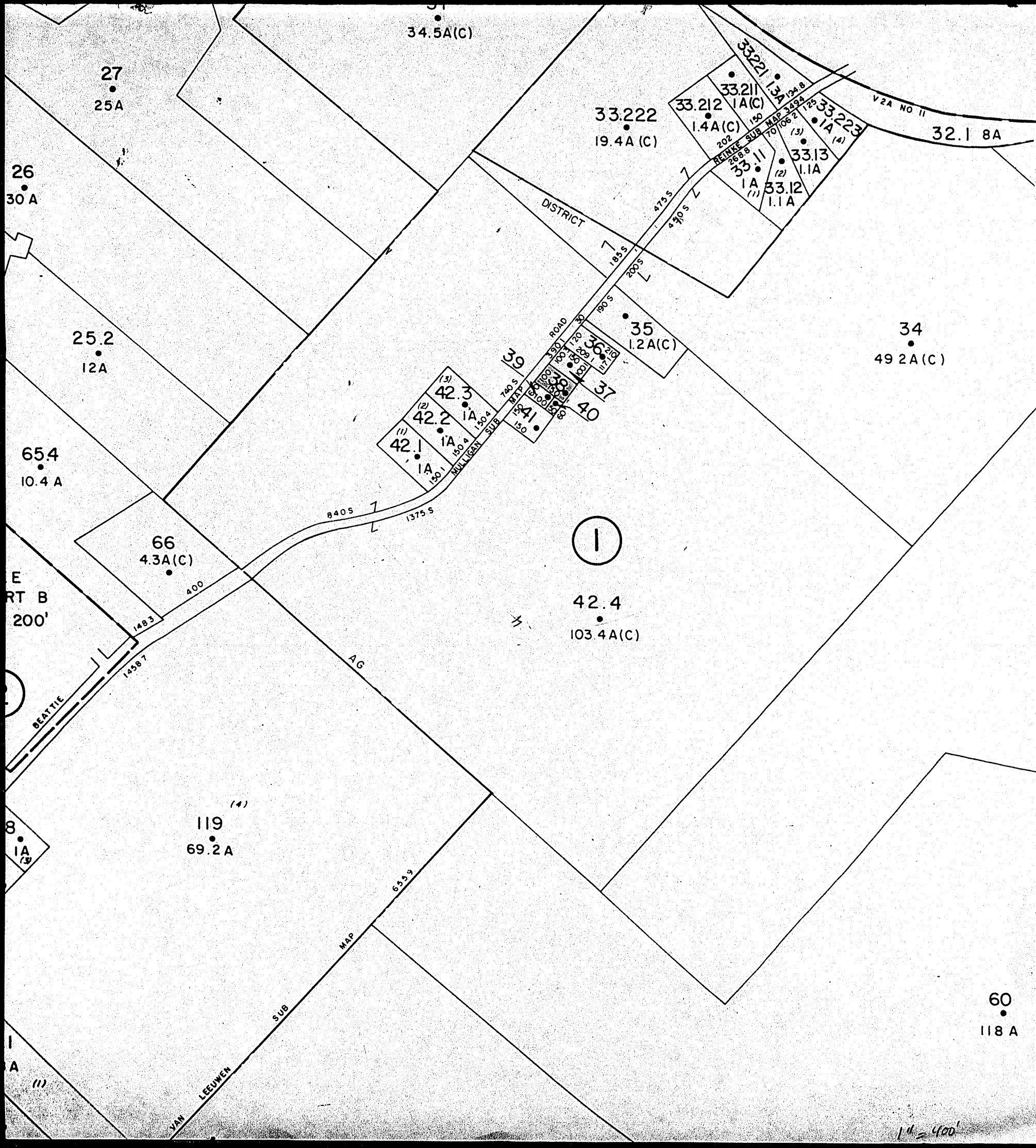
1. Survey made by Charles V. Wallace dated July 14, 1983, shows dwelling and the following: (1) utility line; and (2) fence along the east, south and west.
2. Grants in Liber 708 page 155, Liber 700 page 158, Liber 778 page 424.
3. See Attached.

391745

Page 1 of Sched. B—Pol. No. H 976444
83 BC 354283

51





T 691

Standard & V.T.C. Form 8002, Bargain & sale deed,
with covenant against grantor's heirs--Ind. or Corp. single sheet

JULIUS BLUMBERG, INC., LAW BLANK PUBLISHERS

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 25th day of February, nineteen hundred and ninety-three
BETWEEN

JOHN D. BERRY and ROBIN BERRY, husband and wife
132 Beattie Road
Rock Tavern, New York

party of the first part, and

ROBIN BERRY
132 Beattie Road
Rock Tavern, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF.

Town of New Windsor
55-1-38

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

Town of New Windsor
55-1-38

JOHN D. BERRY and ROBIN BERRY, husband and wife
132 Beattie Road
Rock Tavern, New York

party of the first part, and

ROBIN BERRY
132 Beattie Road
Rock Tavern, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written

IN PRESENCE OF:

LIBR 3781 PAGE 118

JOHN D. BERRY

ROBIN BERRY

SCHEDULE "A"

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point in the middle of Beatty Road, the said point of beginning is at the most northerly corner of a lot conveyed to Charles Cullen by Charles J. Mulligan by deed recorded in Orange County Clerk's Office in Book 1311 at page 446; running thence (1) South 44° 09' East 22.87 feet along the southwesterly line of land conveyed to John F. and Mary Lucas by Charles J. Mulligan to an iron pipe set on the southeasterly side of Beatty Road, thence (2) South 44° 09' East 99.74 feet along the southwesterly line of the Lucas lot to the most easterly corner of the said Cullen lot, thence over and through land of Charles J. Mulligan, the following three courses, namely; (3) South 44° 09' East 50.0 feet to an iron pipe driven into the ground, (4) South 44° 10' West 100.0 feet to an iron pipe driven into the ground, (5) North 44° 09' West 50.0 feet to the most southerly corner of the said Cullen lot, thence (6) North 44° 09' West 122.61 feet along the southwesterly line of the said Cullen lot to a point in the middle of Beatty Road, thence (7) North 44° 10' East 100.00 feet along the middle of Beatty Road to the point of beginning.

Containing 0.396 acres more or less.

Subject to the right of the public to use the part of the 0.396 acres which lies within the bounds of Beatty Road for highway purposes.

BEING the same premises described in two deeds made by Charles J. Mulligan to Charles A. Cullen and Elizabeth P. Cullen, the first of which is dated June 25, 1954 and was recorded in the Orange County Clerk's Office in Liber 1311 of Deeds at page 446, and the second of which is dated September 26, 1955 and was recorded in said Clerk's Office in Liber 1362 of Deeds at page 454.

SUBJECT also to public utility easements of record.

BEING the same premises described in Deed dated July 29, 1983 made by Charles A. Cullen and Elizabeth P. Cullen, his wife to John D. Berry and Robin Berry, his wife and recorded in the Office of the Orange County Clerk on August 1, 1983 in Liber 2257 of Deeds at Page 1122.

STATE OF NEW YORK, COUNTY OF Orange

ss:

On the 25th day of February, 1993, before me
personally came John D. Berry and Robin Berry

to me known to be the individuals described in and who
executed the foregoing instrument, and acknowledged that
they executed the same.

Maureen A. Shand
NOTARY PUBLIC

MAUREEN A. SHAND
Notary Public, State of New York
No. 4988213, Orange County
Commission Expires June 18, 1994

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me
personally came
to me known, who, being by me duly sworn, did depose and
say that he resides at No. ;

that he is the
of

the corporation described
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed
to said instrument is such corporate seal; that it was so
affixed by order of the board of directors of said corpora-
tion, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me
personally came

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
executed the same.

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me
personally came
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at No. ;

that he knows

to be the individual
described in and who executed the foregoing instrument;
that he, said subscribing witness, was present and saw
execute the same; and that he, said witness,
at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

JOHN D. BERRY and ROBIN BERRY,
husband and wife

TO

ROBIN BERRY

SECTION 55

BLOCK 1

LOT 38

COUNTY OR TOWN New Windsor

RETURN BY MAIL TO:

BRIAN G. GILMARTIN
90 E. Main Street
P.O. Box 478
Washingtonville, NY
10992-0478

Maureen A. Shand
NOTARY PUBLIC

MAUREEN A. SHAND
Notary Public, State of New York
No. 4968213, Orange County
Commission Expires June 18, 1974

STATE OF NEW YORK, COUNTY OF

§ 21

On the day of 19 , before me
personally came
to me known, who, being by me duly sworn, did depose and
say that he resides at No. ;

that he is the
of ;

the corporation described
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed
to said instrument is such corporate seal; that it was so
affixed by order of the board of directors of said corpora-
tion, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

§ 21

On the day of 19 , before me
personally came
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at No. ;

that he knows ;

to be the individual
described in and who executed the foregoing instrument;
that he, said subscribing witness, was present and saw
execute the same; and that he, said witness,
at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No.

JOHN D. BERRY and ROBIN BERRY,
husband and wife

TO

ROBIN BERRY

SECTION 55

BLOCK 1

LOT 38

COUNTY OR TOWN New Windsor

RETURN BY MAIL TO:

BRIAN G. GILMARTIN
90 E. Main Street
P.O. Box 478
Washingtonville, NY
10992-0478

Reserve this space for use of Recording Office.

LIBER 3781 PAGE 119



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

8

June 18, 1993

Robin Berry
132 Beattie Road
Rock Tavern, NY 12575

Re: Tax Map Parcel: 55-1-38

Dear Robin Berry:

According to our records, the attached is a list of all properties contiguous to the above referenced properties.

The charge for this service is \$25.00, which you have already paid in the form of a deposit.

Sincerely,

Leslie Cook (CD)

Leslie Cook
Sole Assessor

LC/cad
Attachment
cc: Pat Barnhart

Mulligan, Raymond & Catherine
Beattie Rd.
Rock Tavern, NY 12575 X

Chernowski, Joseph & Catherine
262 Beattie Rd.
Rock Tavern, NY 12575 X

Gershowitz, Barry D. & Robin A.
Beattie Rd.
Rock Tavern, NY 12575 X

Splendorio, Dominick & Diane L.
Beattie Rd.
Rock Tavern, NY 12575 X

Cullen, Patricia
c/o Patricia C. Chippendale
Box 266 Beattie Rd.
Rock Tavern, NY 12575 X

Cullen, Charles A. & Elizabeth
Beattie Rd.
Rock Tavern, NY 12575 X

Denny, Charles H. Jr. & Theresa A.
13 Broad St.
New Windsor, NY 12553 X

Pagliaro, Arthur E. & Ann
Box 266A Beattie Rd.
Rock Tavern, NY 12575 X

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 23

Request of ROBIN BERRY

for a VARIANCE of

the regulations of the Zoning Local Law to

permit existing above-ground pool with insufficient
side yard, existing deck with insufficient rear yard,
existing shed with insufficient side and rear yard, and a
variance from Section 48-14A(1) (b);
being a VARIANCE of

Section 48-12-Table of Use/Bulk Regs., Cols.F,G and
Section 48-14A(1) (b)
for property situated as follows:

132 Beattie Road, Rock Tavern, New Windsor, N.Y.,

known as tax map Section 55 - Blk. 1 - Lot 38.

SAID HEARING will take place on the 28th day of
June, 1993, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

JAMES NUGENT
Chairman

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

Robin Bernu

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#93-23.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On June 17, 1993, I compared the 8 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
17th day of June, 1993.

Deborah Green
Notary Public
DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)

Helim.
June 14, 1993
93-23

1 of 3 pages
Sections

Robin -
496-8163

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JUNE 14, 1993

APPLICANT: ROBIN BERRY
132 BEATTIE ROAD
ROCK TAVERN, N.Y. 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JUNE 6, 1993
FOR (BUILDING PERMIT): FOR AN EXISTING 12FT. X 14FT. SHED.
LOCATED AT: 132 BEATTIE ROAD

ZONE: R-1

DESCRIPTION OF EXISTING SITE: SECTION 55, BLOCK 1, LOT 38
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. SHED HAS INSUFFICIENT SIDE YARD.
2. SHED HAS INSUFFICIENT REAR YARD.

Also - 48-14A1B-

Thomas J. Sir
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-1	USE 48-14 A(b)	
MIN. LOT AREA		
MIN. LOT WIDTH		

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JUNE 14, 1993

APPLICANT: ROBIN BERRY
132 BEATTIE ROAD
ROCK TAVERN, N.Y. 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JUNE 6, 1993
FOR (BUILDING PERMIT): FOR AN EXISTING 12FT. X 14FT. SHED.
LOCATED AT: 132 BEATTIE ROAD

ZONE: R-1

DESCRIPTION OF EXISTING SITE: SECTION 55, BLOCK 1, LOT 38
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. SHED HAS INSUFFICIENT SIDE YARD.
2. SHED HAS INSUFFICIENT REAR YARD.

Also - 48-14A1B -

Donald J. Sir
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-1	USE 48-14 A(b)	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD 10FT.	5 8FT.	4FT. 5ft.
REQ'D TOTAL SIDE YD	1ft.	
REQ'D REAR YD. 10FT.	8FT.	8FT. 9ft.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

Check date of Addition
(original date 1955)

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

✓ Name of Owner of Premises Robin Berey
Address 130 Beattie Rd Phone 406-8163
Name of Architect Rock Tavern N.Y 10515
Address Phone
Name of Contractor
Address Phone
State whether applicant is owner, lessee, agent, architect, engineer or builder
If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the side of
and feet from the intersection of (N.S.E. or W.)
2. Zone or use district in which premises are situated Is property a flood zone? Yes No
3. Town of
Twp. of

CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

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14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises

Address

Phone

Name of Architect

Address

Phone

Name of Contractor

Address

Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the.....side of.....
(N.S.E. or W.)
and.....feet from the intersection of.....
2. Zone or use district in which premises are situated.....Is property a flood zone? Yes.....No.....
3. Tax Map description of property: Section.....Block.....Lot.....
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy.....b. Intended use and occupancy.....
5. Nature of work (check which applicable): New Building.....Addition.....Alteration.....Repair.....
Removal.....Demolition.....Other.....
6. Size of lot: Front Rear.....Depth.....Front Yard.....Rear Yard.....Side Yard.....
Is this a corner lot?.....
7. Dimensions of entire new construction: Front.....Rear.....Depth.....Height.....Number of stories.....
8. If dwelling, number of dwelling units.....Number of dwelling units on each floor.....
Number of bedrooms.....Baths.....Toilets.....
Heating Plant: Gas.....Oil.....Electric/Hot Air.....Hot Water.....
If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
10. Estimated cost.....Fee.....
(to be paid on this application)
11. School District.....

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
 Approved.....19.....
 Disapproved a/c.....
 Permit No.

Office Of Building Inspector
 Michael L. Babcock
 Town Hall, 555 Union Avenue
 New Windsor, New York 12550
 Telephone 565-8807

Refer -

Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

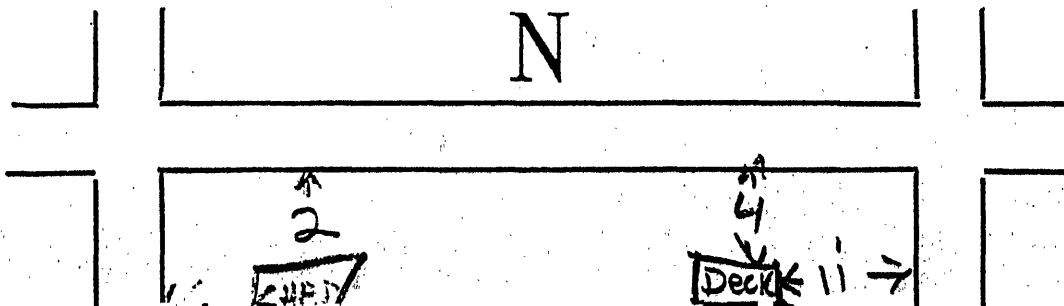
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer -
 Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
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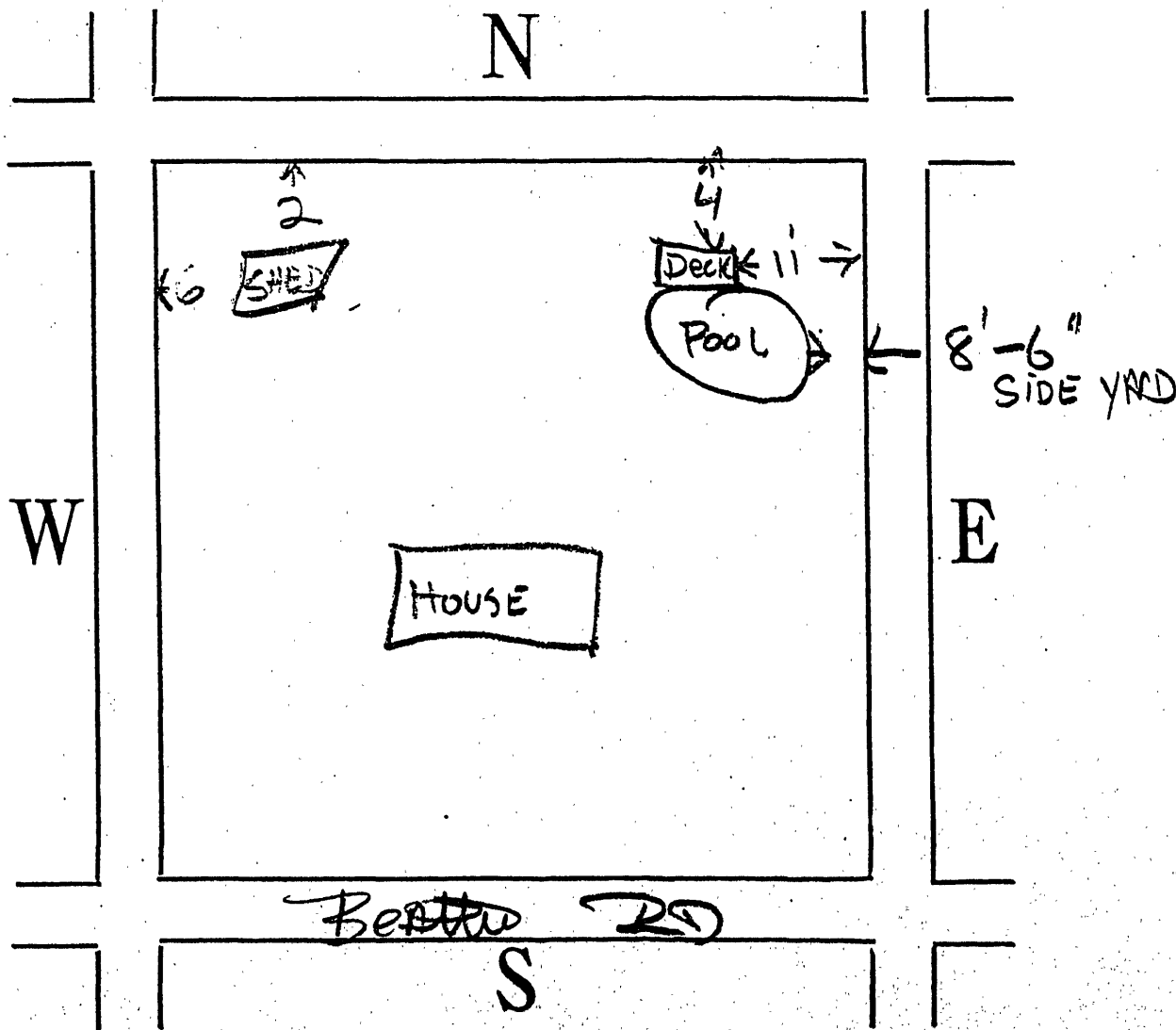
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Rock *Barry* 133 Bettie Rd
 (Signature of Applicant) *Rock Tavern* (Address of Applicant)
 N.Y. 12575

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



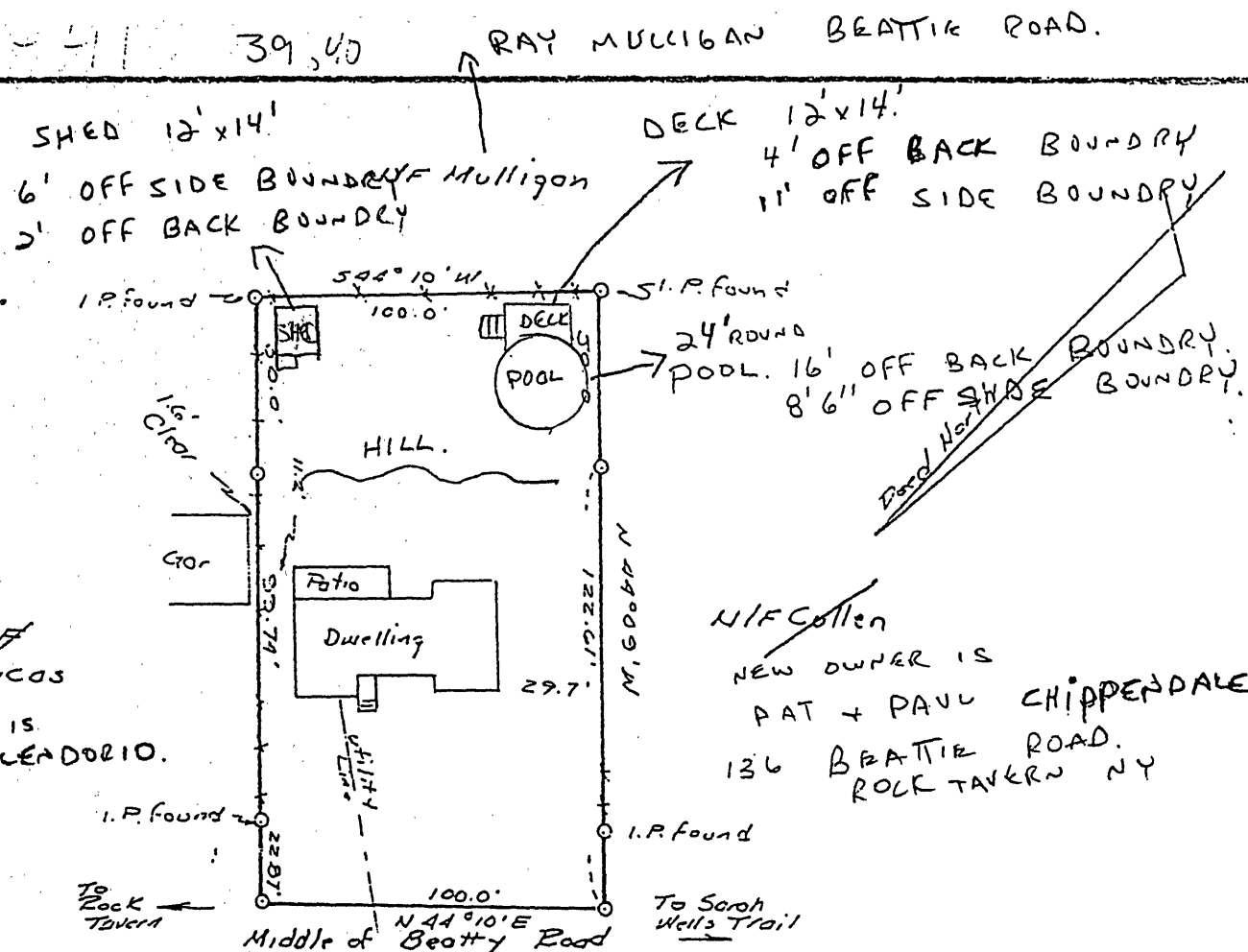
Charles H. Wallace

~~NIA~~
Lucas

Certifications indicated hereon shall run only to the person for whom the survey is prepared and on his behalf to the title company, governmental agency and lending institution listed hereon. Certifications are not transferable to additional institutions or subsequent owners.

Survey Map of Lands of
Charles A. & Elizabeth P. Cullen
Town of New Windsor
Orange Co New York
Scale 1"=50' 14 July 1983

Charles V. Wallace, L.S.
Montgomery, N.Y.
N.Y.S. Lic. No 49065



Prelim.
June 14, 1993.

*2 of 3 page
Sections*

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JUNE 14, 1993

APPLICANT: ROBIN BERRY
132 BEATTIE ROAD
ROCK TAVERN, N.Y.

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JUNE 14, 1993
FOR (BUILDING PERMIT): FOR AND EXISTING 12FT. X 14FT. WOOD DECK.
LOCATED AT: 132 BEATTIE ROAD

ZONE: R-1

DESCRIPTION OF EXISTING SITE: SECTION 55, BLOCK 1, LOT 38
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT REAR YARD SET-BACK FOR DETACHED WOOD DECK.

Shawn C. Lisc
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-1 USE 48-14 A(b)		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD. 10FT.	3 4FT.	6FT. 7ft.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

55-1-38

IMPORTANT REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

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14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises Robin Berry
 Address 32 Beattie Rd Phone 496 8163
Rock Tavern N.Y 12573
 Name of Architect _____
 Address _____ Phone _____
 Name of Contractor _____
 Address _____ Phone _____
 State whether applicant is owner, lessee, agent, architect, engineer or builder _____
 If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
 and _____ feet from the intersection of _____
 (N.S.E. or W.)
2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 55 Block 1 Lot 38
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check which applicable): New Building _____ Addition deck Alteration _____ Repair _____

APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IN PROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

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Name of Owner of Premises Robin Berry
Address 130 Beattie Rd Phone 496 8163
Mark Laveen D.Y 19575
Name of Architect _____
Address _____ Phone _____
Name of Contractor _____
Address _____ Phone _____
State whether applicant is owner, lessee, agent, architect, engineer or builder _____
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N.S.E. or W.)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 55 Block 1 Lot 38
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check which applicable): New Building _____ Addition deck Alteration _____ Repair _____
Removal _____ Demolition _____ Other 12x14
6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
Is this a corner lot? _____
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost deck \$1500.00 Fee _____
(to be paid on this application)
11. School District _____

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved s/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
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- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

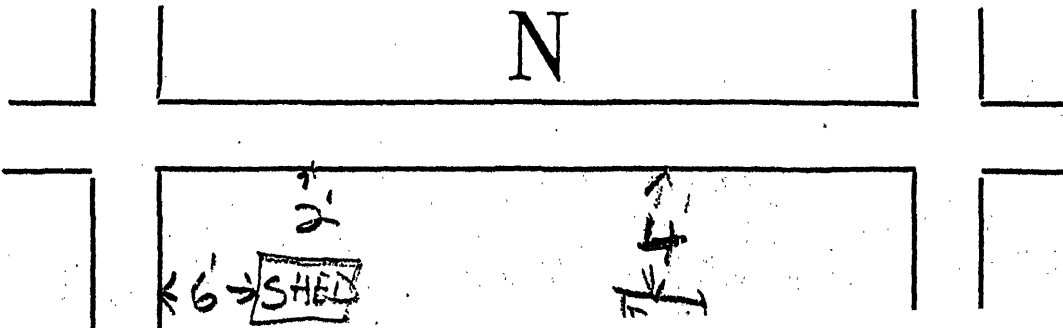
[Signature]
(Signature of Applicant)

130 Beattie Rd Rock Tavern
(Address of Applicant) *N.Y. 12575*

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Prelim.
June 14, 1993

3 of 3 page
Sections

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JUNE 14, 1993

APPLICANT: ROBIN BERRY
132 BEATTIE ROAD
ROCK TAVERN, N.Y. 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JUNE 14, 1993
FOR (BUILDING PERMIT): FOR AN EXISTING 4 FT. ABOVE GROUND POOL.
LOCATED AT: 132 BEATTIE ROAD

ZONE: R-1

DESCRIPTION OF EXISTING SITE: SECTION 55, BLOCK 1, LOT 38
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. INSUFFICIENT SIDE YARD SET-BACK.

Frank Lin

BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-1	USE 48-14 A(b)	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD.	7 ft.	3 ft. 10 ft.
REQ'D SIDE YD	10 FT. 8 FT. 6 IN.	1 FT. 6 IN.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

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14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises

Address

Phone

Name of Architect

Address

Phone

Name of Contractor

Address

Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the.....side of.....
(N.S.E.or W.)
and.....feet from the intersection of.....
2. Zone or use district in which premises are situated Is property a flood zone? Yes.....No.....

FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises

Address

Name of Architect

Address

Name of Contractor

Address

State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the.....side of.....
(N.S.E.or W.)
and.....feet from the intersection of.....
2. Zone or use district in which premises are situated.....Is property a flood zone? Yes.....No.....
3. Tax Map description of property: Section.....Block.....Lot.....
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy..... b. Intended use and occupancy.....
5. Nature of work (check which applicable): New Building..... Addition..... Alteration..... Repair.....
Removal..... Demolition..... Other.....
6. Size of lot: Front Rear..... Depth..... Front Yard..... Rear Yard..... Side Yard.....
Is this a corner lot?
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
Number of bedrooms..... Baths..... Toilets.....
Heating Plant: Gas..... Oil..... Electric/Hot Air..... Hot Water.....
If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use
10. Estimated cost..... Fee.....
(to be paid on this application)
11. School District

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets or plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

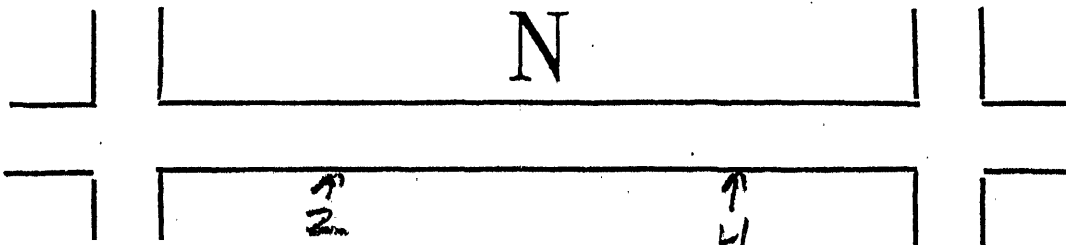
(Signature of Applicant)

(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer -

Planning Board.....

Highway.....

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